



Winston Hickox
Secretary for
Environmental
Protection



Gray Davis
Governor

MINUTES OF
REGULAR MEETING
Friday, November 1, 2002
REGIONAL WATER QUALITY CONTROL BOARD

Friday, November 1, 2002, 8:30 a.m.

Chairman Gary Shallcross called the meeting of the Central Coast Regional Water Quality Control Board to order at 8:30 a.m. on November 1, 2002, in the Conference Room of the Central Coast Regional Board Office, 81 Higuera Street, Suite 200, San Luis Obispo, California.

1. Roll Call..... Office Technician Christina St. Clair

Board Members Present:

Chairman Gary Shallcross
Vice Chair Leslie Bowker
Vice Chair Bruce Daniels
Russell Jeffries
Marco Rizzo
Daniel Press
Jeffrey Young

Absent: John Hayashi

Donald Villeneuve

2. Introductions..... Executive Officer Roger Briggs

Executive Officer Roger Briggs introduced staff and asked all interested parties who wished to comment to fill out testimony cards and submit them. Mr. Briggs noted the Supplemental Sheets and Questions and Answer items for Item Nos. 6, 7, 8, letters for items 9, 12, 14, 16, 17, and 18. Item No. 13/California Men's Colony, hearing has been waived and the ACL has been settled. Mr. Briggs announced that the Regional Board received a Coastal American Partnership for

Action plaque recognizing the Regional Board's involvement with the Southern California Wetlands Recovery Project. The Regional Board also received a Letter of Commendation from the White House. Staff members Michael Higgins and Julia Dyer were credited for their participation with this group. Mr. Briggs introduced our State Board Liaison, Gary Carlton.

23. Report by State Water Resources Control Board Liaison..... Gary Carlton

Mr. Carlton reported on activities in Sacramento on water quality (new storm water permits, industrial general permit, general construction permit). The State Board has been providing support to the Regional Boards in evaluating their efforts on SB390/Readoption or Adoption of Alternative Regulatory programs. The State Board has also been active in addressing the 303d List of Impaired Water Bodies. The Regional Boards submitted their

individual lists to the State Board and the staff has been working to compile and evaluate the lists for conformance to the listing criteria and consistency throughout the State. The Public Advisory Group provided considerable input on the 303d listing process. In the water rights arena, the State Board has been very busy with the San Diego Imperial Irrigation District Water Transfer. This proposed water transfer is a key component of the State's effort to reduce usage

of the Colorado River water by 800,000 acre feet per year. The federal government has dictated that California reduce its usage. State Board Executive Director, Celeste Cantu, has been working with Regional Board Executive Officers to identify a prioritization program to determine what their individual water quality priorities are. Mr. Carlton noted that the Waste Water Treatment Plant Operator Certification program will continue to function due to the efforts of the Water Environment Federation (note:

the State Board later reinstated the State Board program). Recently the State Board adopted an Emergency Regulation Fee Program in response to the Legislature's action directing the State Board to reduce its General Fund monies.

3. Approval of Minutes for September 19-20, 2002 MeetingBoard Motion

MOTION: Russell Jeffries moved to approve the minutes for the September 19-20, 2002 meeting. **SECONDED** by Leslie Bowker. **CARRIED – Unanimously (7-0)**

4. Public ForumChair Shallcross

- Bob Hazard, Gaviota Coast Conservancy - Mr. Hazard brought up two concerns regarding the Tajiguas Landfill, specifically the alleged 100-foot high lake of water and his concern that the landfill does not meet the five-foot separation rule. Mr. Hazard was concerned that the alleged water held back by the landfill could potentially cause slopes to fail, which would be a catastrophe and danger to down canyon residents. Further Mr. Hazard stated that he believed that the landfill does not meet the five-foot separation rule. Mr. Hazard stated that he is very concerned about these issues and requests the Regional Board have a special hearing to determine this matter.
- Vicki Clark, Attorney, Heal the Ocean - Ms. Clark brought up a number of concerns, all related to the Tajiguas Landfill. Ms. Clark stated she was in receipt of two Regional Board letters dated August 14 and September 25, 2002, which respond to their consultants report on the Tajiguas Landfill. Ms. Clark stated that she and her consultant are dissatisfied with staff's response and she requested the Regional Board immediately schedule a special hearing on the Tajiguas Landfill. Ms. Clark stated that the site is atop of a complex geologic system and there is no proof that the current hydrogeology theory is correct. Further, Ms. Clark was concerned that the groundwater flow paths are not adequately defined, the groundwater monitoring system is inadequate, and the site tour scheduled for March is the day before the Board meeting. Ms. Clark reiterated her request for the Regional

Board to schedule a special hearing to air these concerns.

- Hillary Hauser, Director, Heal the Ocean - Ms. Hauser requested the Regional Board schedule a special hearing on the Tajiguas Landfill. She stated that Heal the Ocean and Regional Board staff had been going back and forth on Tajiguas and requested the Regional Board have a special hearing before the March meeting. Ms. Hauser stated that the Regional Board should require the collection of additional information related to site hydrogeology.

Executive Officer Briggs responded to the three speakers on the landfill, saying he sent copies of Ms. Clark's letters and the staff responses to the Board. As Ms. Hauser pointed out, the March meeting (with the landfill on the agenda for new requirements) is right around the corner, especially in terms of agenda item preparation, so it would be best to not have an interim hearing on landfill issues. Staff is gathering information to answer all the questions that have been raised. If it turns out the Board needs even more information, the Board always has the option of deferring action until the information is satisfactory.

Board Member Young stated he does not understand the geology of the site and felt that monitoring well data might better aid his understanding. Further, Mr. Young was interested in the five-foot rule and how it is applied statewide. Mr. Young thought the County should consider what additional wells might be needed

to adequately define groundwater conditions and to demonstrate adequate controls for contaminant pathways.

Board Member Daniels expressed concern with where groundwater is going and what the potential pathways are. Mr. Daniels further stated he was interested in the Five-foot rule and how it will be specifically applied to the existing proposed expansion.

- Pam Heatherington, Executive Director, ECOSLO, complemented staff's contributions to the Oceans Conference in Santa Barbara and expressed concern about grading processes and creek destruction. She asked the Board to become more aware of the causes of environmental damage and to promote prevention.

- Sarah Christie, Individual – expressed concern about a massive grading project (6,000 acres) in the Huer Huero watershed. She encouraged the Board to be vigilant in stabilizing the site to protect the creek. She believes developers are taking advantage of agricultural exemptions to get their large and very damaging projects exempt from regulatory review. Mr. Briggs referenced the letters (copies sent to Board Members) from staff to the landowners regarding erosion controls needed at the site. He said the owners were being responsive to these letters.

5. Uncontested Items.....Board Motion

Executive Officer Briggs recommended that Item Nos. 16, 17, 19, and 20 be included on the consent calendar.

MOTION: Russell Jeffries moved to approve the consent calendar. SECONDED by Bruce Daniels. CARRIED – Unanimously (7-0)

6. Las Tablas Creek and Nacimiento Reservoir Mercury TMDL.....Resolution No. 2002-0107

Chair Shallcross read an opening statement and all interested parties were sworn in. Regional Board staff, Douglas Gouzie, gave a presentation about the proposed Basin Plan Amendment including: adoption of the total maximum annual load (TMDL) for Las Tablas Creek, adoption of the implementation plan, and adoption of the monitoring plan.

After the presentation, Board member Young asked several questions regarding the understanding of impacts to fish, the ecosystem, wildlife, and drinking water. Staff responded that data are limited, described known and possible relationships, and agreed to specifically try to obtain information on mercury levels in drinking water around the lake.

Board member Daniels asked questions about applying methods reported in a draft version of the San Francisco Bay Mercury TMDL to Lake Nacimiento and specifically suggested adding dissolved oxygen to the monitoring plan. Staff responded to these questions

and proposed adding dissolved oxygen to the monitoring plan.

Public Testimony:

Mr. Ed Biaggini asked for a six-month extension before the Board acted so that farmers and ranchers could be informed about the TMDL.

Mr. Harold Biaggini stated that he was not aware of any fishing in Las Tablas Creek and also asked for additional time to study the TMDL before the Board acted.

Mr. Marvin Niccum provided a handout to Board members of his concerns, noting a calculation on his handout where he estimated mercury loading to Lake Nacimiento from mercury in rainfall and stated this indicated the proposed TMDL did not include all the factors Mr. Niccum thought pertinent. Mr. Niccum

said the handout summarized information already provided to the Board.

Dr. Gouzie provided staff responses to the commentors.

MOTION: Daniel Press moved to adopt Resolution No. 2002-0107. SECONDED by Russell Jeffries. CARRIED – Unanimously (7-0)

(Chair Shallcross announced a break at 10:10 a.m.. The meeting reconvened at 10:20 a.m.)

7. Salinas River Channel Maintenance Project.....Board Motion

Amanda Bern, Environmental Scientist, presented the Clean Water Act Section 401 Water Quality Certification for the Salinas River Channel Maintenance Program. The program will remove in-channel vegetation and sandbars for the purposes of flood control. A series of mitigation and reporting measures are in place to minimize any potential impacts from the project. These include determination that removal of vegetation and sandbars will reduce flooding, monitoring riverbed movement and bank erosion, and fluvial geomorphic analyses. Board Members asked what the mechanism was for enforcement when conditions were violated. Ms Bern indicated that the Army Corp of Engineers is the lead for project compliance and enforcement. Board Members asked if the Army Corp had ever pursued enforcement, and staff answered no, for this project. Board members also asked how the river "bank" was defined. Staff answered that in the lower reaches of the river, the banks are mostly leveed. This makes identifying the banks easy. The upper reaches of the river are less defined, and there isn't a set criterion for defining them.

Bob Meyer, Monterey County Water Resources Agency, described the program as a success. He added that in addition to in-channel vegetation and sandbar removal, another part of the project included vegetating the banks. Board members asked Mr. Meyer how violations are handled, and he indicated that they inform the property owners and Army Corp of Engineers, and that has been sufficient to obtain compliance voluntarily. Board Members asked if they were addressing flood events larger than the 25-year and who participates in the project and how large is the area of riverbed disturbance. Mr. Meyer answered that most participants were growers, and that a few cities also participate. Last year, 27 miles of the river were cleared. Chris Bunn, Chairman of the Salinas River Channel Coalition commented that every year there is less work performed, that the growers had developed improved relationships with the regulatory agencies, and that they support the program. Laura Plaskett, Salinas River Channel Coalition member, said that they were making progress towards the biological opinion for steelhead trout, that they were actively involved in bank stabilization projects, and that the data collected will gather needed information.

MOTION: Russell Jeffries moved to direct the Executive Officer to sign the conditioned 401 Water Quality Certification for the Salinas River Channel Maintenance Project. SECONDED by Daniel Press. CARRIED – Unanimously (7-0)

8. Recommendation on Basin Plan Amendment for Secondary Treatment of Ocean Discharges... Board Direction [Howard Kolb 805/549-3332]

The Regional Board directed the Executive Officer to evaluate the need for a Basin Plan amendment requiring a minimum of secondary treatment for all ocean dischargers. Staff member Howard Kolb said he reviewed the Federal Clean Water Act, Section 301(h),

Federal Code of Regulations, Title 40, Part 125.57 Central Coast Region, Water Quality Control Plan (Basin Plan), and the 2001 Triennial Review List.

He recommended that he re-examine existing data for discharges under the 301(h) program and that staff review legal precedent/policy prior to developing an amendment. Staff will report back to the Board in March 2003 regarding the feasibility of success for the proposed amendment.

After public comment, the Regional Board directed staff to re-examine existing data and legal

precedent/policy, and report back to the Board in March 2003.

Board Counsel Jennifer Soloway pointed out that her time is already fully allocated in the next few months and the March report will probably lack legal assistance. The Board did not object to staff's proposed direction on this issue.

9. Low Threat Cases [Jay Cano 805/549-3699] Information/Discussion

Dr. Wei Liu, staff Engineering Geologist, described a proposal for enrollment of Camp Evers Combined Site Responsible Parties (Discharger) under this Regional Board's WDR Order No. 01-134, NPDES No. CAG993002 (General Permit) for a discharge of highly treated groundwater.

In compliance with the Regional Board's request, the Discharger is performing remediation work in the downgradient area of the Camp Evers Combined Site in order to capture, control and ultimately cleanup the downgradient MTBE plume detected in the downgradient area. The discharger proposes a groundwater extraction and treatment system to remove MTBE and other petroleum hydrocarbon compounds from groundwater prior to discharge to Manana Woods Creek.

Mr. Ken Anderson, Director of City of Scotts Valley Public Works Department, indicated that City Treatment Plant staff tested samples collected from effluent that would be discharged to its facility to determine the discharge limits the City would require if the highly treated groundwater was to be discharged to the City's treatment plant. However, the Responsible Parties withdrew their application. The Board requested a description of the testing details. Regional Board Senior Engineer Jay Cano said the dischargers are working on an agreement with the County to provide for independent testing of treated water discharged to Manana Woods Creek.

Following discussion, the Regional Board had no objection to enrollment of the Camp Evers Combined Site Responsible Parties under the General Permit with the condition that the initial batch of treated water be hauled off-site for disposal.

10. MTBE Sites Status Report

Senior Engineer Jay Cano responded to Board comments regarding the effectiveness of MTBE removal using ozone and regarding extraction rates at the Los Osos Valley Garage/Bear Valley Chevron in Los Osos. The Board also expressed dissatisfaction with Santa Barbara County sites and requested that

staff include the last three MTBE sampling dates in the next MTBE report.

11. Enforcement Report [Gerhardt Hubner 805/542-4647] Status Report

This is a written report and there were no Board questions.

(Chair Shallcross announced a lunch break and closed session meeting at 11:45 a.m. The meeting reconvened at 1:30 p.m.)

12. City of Hollister, San Benito County [Matt Fabry 805/549-3458].....Order No. 2002-0097

Regional Board staff, Matt Fabry, gave a brief follow-up presentation on the Administrative Civil Liability Order No. 2002-0097 for the City of Hollister,

describing the changes proposed to the draft order from the previous meeting.

MOTION: Leslie Bowker moved to adopt Administrative Civil Liability Order No. 2002-0097 in the amount of \$1.2 million. Of the \$1.2 million, \$1,176,000 is set aside for the completion of six compliance and supplemental environmental projects in the Hollister area. The City is required to pay \$24,000 to the State Water Resources Control Board's Cleanup and Abatement Account for staff costs.

13. California Men's Colony, Dept. of Corrections, San Luis Obispo CountyOrder No. 2002-0116 [Matt Thompson 805/549-3159]

The Discharger waived the hearing and submitted payment for a Mandatory Minimum Penalty.

18. General Waste Discharge Requirements for Discharge of Winery WasteOrder No. 2002-0084 [Matt Thompson 805/549-3159]

Regional Board staff Matt Thompson presented the General Waste Discharge Requirements for Discharges of Winery Waste (General WDRs). Mr. Thompson discussed winery wastewater, highlighted some of the requirements of the General WDRs, and recommended adoption of the General WDRs. Mr. Thompson then answered Regional Board member questions.

Daniel Press recommended the definition of a small winery in Finding No. 11 of the WDRs be set at 13,000 gallons of wine produced annually, rather than 12,000, based on the assumption that 160 gallons of wine are produced per every ton of grapes crushed.

Bruce Daniels recommended adding language to Section E.14 of the WDRs that allows the Regional Board to re-open the General WDRs prior to November 1, 2007. Mr. Daniels also recommended that the monitoring frequency for halomethanes in the Effluent Monitoring section of the Monitoring and Reporting Program be changed to "after equipment cleaning."

Bob Chrobak of Kennedy/Jenks Consultants expressed his appreciation for the opportunity to reopen the General WDRs in the near future to incorporate revised Wine Institute guidelines for land application.

Joseph Chouinard, engineering consultant, expressed his concern about the cost of monitoring and annual fees for small wineries.

Dennis Collins, General Manager of Treana Winery, expressed his concern about the timing of the public comment period and adoption of the General WDRs during the crush season, and requested postponement of the adoption of the General WDRs.

Clem Lee of Beringer Blass Wine Estates supported adoption of the General WDRs.

Jerry Lohr of J. Lohr Winery, noted that California's wine industry is generally being proactive to prevent environmental damage, as indicated by the recent release of the California Association of Wine Grower's "Code of Sustainable Winegrowing Practices."

Sheila Griffie, Executive Director of the Paso Robles Vintners and Growers Association, stated she promotes progressive, environmentally-safe waste management. She wishes to maintain open communication with staff to include new research into future revisions of the General WDRs.

Karen Mansfield, Executive Manager of the San Luis Obispo County Agricultural Task Force, stated she was not notified of the draft General WDRs, and would

appreciate inclusion in future revisions of the General WDRs.

Mr. Thompson then addressed some of the commentor's concerns. The public comment period and adoption of the General WDRs was scheduled to avoid the crush season as much as practicable. The monitoring requirements for small wineries are not

exorbitant. Regarding inadequate time for review by small wineries, Mr. Briggs apologized for the difficulty in timing, but pointed out that Mr. Chouinard said he represented many small wineries and he did have adequate time for review. With the reopener clause added, it seems appropriate to recommend approval at today's meeting.

MOTION: Bruce Daniels moved to adopt the General WDRs, with the changes noted above and contained in the Supplemental Sheet prepared on October 25, 2002. SECONDED by Russell Jeffries. CARRIED – Unanimously (7-0)

21. South County Regional Wastewater Authority, Santa Clara County Status Report
[Kimberly Gonzalez 805/549-3150]

Regional Board staff Kimberly Gonzalez introduced SCRWA's representative, who gave a brief presentation regarding the future need for occasional seasonal discharge to Llagas creek, and a possible solution. The project under consideration would supply tertiary-treated water to created wetlands before

seasonal need-based discharge to Llagas Creek. Regional Board members had some questions regarding the potential project, which SCRWA's representative answered. The Regional Board took no action, as this was a status report item.

22. Storm Water Phase II Program Update [Jennifer Bitting 805/549-3334] Status Report

Jennifer Bitting, Storm Water Program Manager, gave an update on the Phase II Storm Water Program in Region 3. The purpose of the update was to present the Municipal Separate Storm Sewer System (MS4) draft permit requirements, as well as, a draft list of the municipal entities that fit the criteria requiring them to

obtain permit coverage. The information presented to the Regional Board was submitted to the State Board as a comment to the draft permit. The permit is scheduled to be adopted by the State Water Resources Control Board in December of 2002.

24. Reports by Regional Board Members Status Report

Bruce Daniels expressed appreciation for being able to participate on the Board. Gary Shallcross expressed similar sentiments. Mr. Daniels and Mr. Shallcross hope to be reappointed to the Board by November 18. Jeffrey Young will attend the Ontario Water Quality

Coordinating Committee meeting (WQCC) on November 7-8, 2002. Russell Jeffries expressed appreciation to Bruce Daniels and Gary Shallcross for their support on the Board.

25. Regional Board Performance Review for Fiscal Year 01-02 [Roger Briggs 805/549-3140] Status Report

Roger Briggs summarized the graphs on Regional Board performance in FY 01-02 in a few key programs

and discussed budget cuts and the prognosis for the future (more budget cuts).

26. Executive Officer's Report [Roger Briggs 805/549-3140] Information/Discussion

Executive Officer Briggs asked the Board to contact Carol Hewitt if they need assistance with travel arrangements for the WQCC meeting. Mr. Briggs and Karen Worcester gave presentations at the Oceans Conference in Santa Barbara this week. Mr. Briggs noted the 2003 Board Meeting Schedule for the "away" meetings. The meetings will be held in Watsonville (May), Salinas (September), and Santa Barbara (October). Mr. Briggs provided a Supplemental Sheet on bilge water treatment disposal systems in Santa Barbara harbor. The City has decided to discharge to the City sewer system. Regional Board staff is working with Monterey and Moss Landing harbor systems to see about having their discharge go into their sewer systems. Mr. Briggs provided the Board with funding results from the State Board for the Proposition 13 and the 319(h) projects.

Regional Board staff, Michael Higgins, updated the Carpinteria watershed report in the agenda, informing the Board that staff had inspected all 51 greenhouses or nurseries initially contacted by the Executive Officer. In response to questions from a Board member, Mr.

Higgins reported the inspections had found the greenhouse/nursery operators were cooperating to reduce wastewater discharges from their facilities. Most have eliminated all discharges, while staff continues to work with a few, described in more detail by Mr. Higgins. Mr. Higgins stated that he proposed to draft a letter, once all the findings from the inspections were collated, reporting the regulatory efforts' achievements. Mr. Daniels stated his view that this effort to regulate greenhouse discharges appeared to be successful. Mr. Young suggested the letter be distributed throughout the Central Coast Region for maximum effect. Mr. Young also asked for a spreadsheet detailing the status of the greenhouses.

Chair Shallcross noted the status of the San Luis Obispo Airport storm water discharge. A car rental agency (Avis) stepped forward and resolved the discharge problem. The Board asked staff to send a letter to Avis.

Chairman Shallcross adjourned the public meeting at 5:00 p.m.

The meeting was audio recorded and the minutes were reviewed by management, and approved by the Board at its December 13, 2002 meeting in San Luis Obispo, California.



Gary Shallcross, Chair